

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

EMANUEL LAMONT CLARK ALLEN,)
)
)
Plaintiff,)
)
)
v.) 1:21-cv-917
)
)
RYAN MARKELL, and)
DARRELL STILLWELL,)
)
Defendants.)

ORDER

On April 17, 2023 the United States Magistrate Judge's Recommendation ("Recommendation") was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 16, 17.) No objections were filed within the time prescribed by Section 636.

The record reflects that the Recommendation was served by mail to Plaintiff's last known address at Stanly County Detention Center, 126 S. Third Street, Albemarle, North Carolina, but returned as undeliverable because Plaintiff is no longer in custody, not deliverable as addressed, and unable to forward. (See Doc. 18.) This court has no obligation to locate Plaintiff to provide actual notice; instead, it is the duty of a litigant to keep this court informed of a current address. LR 11.1(b). Because Plaintiff has not provided the court with an address within 63 days of the date of the last return of mail,

the court finds the case should be dismissed without prejudice for failure to prosecute. See LR 11.1(b) .

IT IS THEREFORE ORDERED that this case is **DISMISSED WITHOUT PREJUDICE** pursuant to Local Rule 11.1(b) for failure to prosecute.

IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment, (Doc. 12), is **DENIED AS MOOT**.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 31st day of July, 2023.

William L. Osten, Jr.
United States District Judge